

PC-72-7 - Self-Service Filling Station - Off-street parking. City of Wichita Law Department

No action ever taken on
this file. JHD 5-29-80

THE CITY OF WICHITA

OFFICE OF CITY TRAFFIC ENGINEER

DATE September 21, 1972



ON SAFETY
PHASE II

TO Robert Lakin, Director of Planning
FROM Paul B. Graves, City Traffic Engineer

SUBJECT DR 72-7 and DR 72-8 - Amendment to
the Zoning Ordinance - Off Street
Parking

I have reviewed your memo of September 20, 1972 regarding the above subject,
and I am sorry that you were "surprised".

Our initiation of the document that we sent to you was upon the recommendation
of the Director of Law and I would, therefore, assume that the determination
as to procedure must be determined by his office. This office will "stand by"
until the decision has been made by Mr. Dekker.

A handwritten signature in cursive script that reads "Paul".

Paul B. Graves
City Traffic Engineer

PBG:cg

cc: R. W. Bruggeman, Director of Public Works
Jack Galbraith, Senior Planner
John Dekker, Director of Law
Tom Powell, Assistant City Attorney



ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR OFF-STREET PARKING STANDARDS FOR SELF-SERVICE FILLING STATIONS IN REGARD TO VEHICULAR TRAFFIC ACCOMMODATIONS THAT SUCH BUSINESSES MUST PROVIDE, WHICH ADOPTS THE "STANDARDS FOR SELF-SERVICE FILLING STATIONS", PUBLISHED BY THE PUBLIC WORKS DEPARTMENT, TRAFFIC ENGINEERING DIVISION, CITY OF WICHITA, KANSAS, MAY, 1972.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

The following shall become Section 28.04.139 of the Code of the City of Wichita, Kansas, and the same shall read as follows:

"Off-street parking - Accommodations for traffic in self-service filling stations. The vehicular traffic accommodations for self-service filling stations shall be in accordance with the 'Standards for Self-Service Filling Stations', published by the Public Works Department, Traffic Engineering Division, City of Wichita, May, 1972, which is by reference incorporated in and by this publication made a part of this title and chapter as though set out at length herein, and is hereby adopted as part of the Zoning Code of the City of Wichita, Kansas. Design and construction of said traffic accommodations for self-service filling stations shall be in compliance with all applicable codes of the City of Wichita, Kansas."

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this ____ day of _____, 1972.

ATTEST:

MAYOR

City Clerk

Approved as to form:

John Dekker, Director of Law

15/72

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR OFF-STREET PARKING STANDARDS FOR SELF-SERVICE FILLING STATIONS IN REGARD TO VEHICULAR TRAFFIC ACCOMMODATIONS THAT SUCH BUSINESSES MUST PROVIDE, WHICH ADOPTS THE "STANDARDS FOR SELF-SERVICE FILLING STATIONS", PUBLISHED BY THE PUBLIC WORKS DEPARTMENT, TRAFFIC ENGINEERING DIVISION, CITY OF WICHITA, KANSAS, MAY, 1972.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

The following shall become Section 28.04.139 of the Code of the City of Wichita, Kansas, and the same shall read as follows:

"Off-street parking — Accommodations for traffic in self-service filling stations. The vehicular traffic accommodations for self-service filling stations shall be in accordance with the 'Standards for Self-Service Filling Stations', published by the Public Works Department, Traffic Engineering Division, City of Wichita, May, 1972, which is by reference incorporated in and by this publication made a part of this title and chapter as though set out at length herein, and is hereby adopted as part of the Zoning Code of the City of Wichita, Kansas. Design and construction of said traffic accommodations for self-service filling stations shall be in compliance with all applicable codes of the City of Wichita, Kansas."

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this ____ day of _____, 1972.

ATTEST:

MAYOR

City Clerk

Approved as to form:

John Dekker, Director of Law

September 20, 1972

Paul Graves, City Traffic Engineer

Robert A. Lakin, Director of Planning

DR 72-7 and DR 72-8 - Amendment to the
Zoning Ordinance - Off Street Parking

I have the two ordinances and am holding them in abeyance until I hear from Tom Powell. As indicated, I was a little surprised when I received these ordinances from what I might say "out of the blue". I am still not quite sure what precipitated the development of these ordinances and am not at all convinced that they are needed.

I have discussed the matter with Mr. Powell and asked him to confer back with the Director of Law concerning my questions and comments. Basically, the thrust of my questions are two in nature. One, why do we single out the self-service filling station for a particular set of standards and design criteria upon which you are to base your decisions in approving off-street parking layouts? It would seem to me that if we adopt such an ordinance then this recognizes that they are not standards for any other type of development and thus makes it subject to attack on practically all other types of uses. It would seem to me that our vulnerability as to litigation is even greater than it currently might be. My second objection is to the adoption of the set of standards which, as good as they are, are not sufficient in and to themselves to handle every type of situation that is presented to you. If we adopt such a set of standards by reference, then I do not see that you have any latitude in approving the unusual situation or an odd configuration type lot which doesn't fit the neat rectangular standards or the application thereto. In addition to reducing the flexibility that you have, it would seem to me that we are then going to be forever and a day amending this section of the ordinance every time somebody wants to make a new modification into the standards. There have been several such modifications and I believe almost yearly since you first put the general off-street parking layout criteria in publication form. I don't care to go through that type of amendment procedure unless completely necessary to do so.

It would seem to me that the criteria contained within the ordinance now as to the purposes for your review of the off-street parking, such as the layout and arrangement of the parking spaces, location and dimensions of spaces, adequate aisle space and markings for channelization, adequate turnarounds (if needed) etc., are sufficient standards to uphold the legality of the ordinance.

Page 2 - Paul Graves
September 20, 1972

I see no reason why you cannot have these standards available in the office and utilize them as you have in the past. If such standards are made necessary, then I have suggested that the ordinances be written in such a fashion that such standards may be filed with the Metropolitan Area Planning Commission and thus utilized administratively by you. This would eliminate our having to amend the ordinance every time there was a change and, further, would speed up the time process from like two to four weeks instead of 90 to 120 days.

In short, I think that there have been errors in judgment in the preparation of these ordinances. I have asked the Law Department to re-evaluate their position. If this also then involves your judgments as to how this should be accomplished, I would suggest that you contact Mr. Powell. In the present form, I cannot take these ordinances to the Planning Commission and recommend their adoption.

RAL:ber

cc: Ray Bruggeman, Director of Public Works
Jack Galbraith, Senior Planner
Tom Powell, Assistant City Attorney

THE CITY OF WICHITA

OFFICE OF CITY TRAFFIC ENGINEER

DATE September 15, 1972



TO Robert Lakin, Director of Planning

FROM Paul B. Graves, City Traffic Engineer

SUBJECT Ordinance for Off-Street Parking
for Self-Service Filling Stations

I recently received copies of two memos (dated August 17, 1972 and August 29, 1972) and attached ordinances from Thomas Powell, Assistant City Attorney, to you concerning the indicated subject. Both ordinances have been reviewed and are acceptable to this Division. Copies of the two publications referenced in the ordinance are being printed and will be available from this Division in approximately one week.

It is my understanding that public hearings must be held before these ordinances can be presented to the City Commission and that such public hearings should be held before the Planning Commission. If you concur, I would appreciate your placing this matter on the Planning Commission Agenda and advising me if there are any additional actions required of this Division.

Paul B. Graves
Paul B. Graves
City Traffic Engineer

PBG:RJ/g1

cc:R. W. Bruggeman, Director of Public Works



THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE August 17, 1972



TO Robert A. Lakin, Director of Planning
FROM Thomas R. Powell, Assistant City Attorney
SUBJECT Ordinance for Off-Street
Parking for Self-Service
Filling Stations

Attached are the original and one onion skin copy of an ordinance for Section 28.04.139 providing for off-street parking standards for self-service filling stations.

Please review this ordinance. If it meets with your approval, please forward the original and the copy to the City Manager's Office to be placed on the agenda. There must be a public hearing for this ordinance before it can be presented to the City Commission.

If you have any questions, please let us know.

Thomas R. Powell

Thomas R. Powell
Assistant City Attorney

TRP:gl
Attachments
cc: Paul Graves, Traffic Engineer

